

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:17-CT-3212-D

NAZEER VICK,

Plaintiff,

v.

OFFICER CASPER, et al.,

Defendants.

ORDER


Plaintiff Nazeer Vick ("Vick" or "plaintiff"), at the time a state inmate proceeding pro se, filed this action under 42 U.S.C. § 1983 [D.E. 1]. On November 26, 2018, Magistrate Judge Numbers issued a Memorandum and Recommendation ("M&R"), recommended dismissal without prejudice of Vick's claims against defendants David Hill, Kenneth Lassiter, and Superintendent Taylor, and directed the clerk to continue management of Vick's case against defendant Officer Casper [D.E. 18]. Vick did not object to the M&R.

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond, 416 F.3d at 315 (quotation omitted). The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 18].

The court allowed Vick to proceed with his claims against Casper. However, Vick was released from custody and has not provided the court with a forwarding address. See <https://webapps.doc.state.nc.us/opi/viewoffender.do?method=view&offenderID=1116782&searchOffenderId=1116782&listurl=pagelistoffendersearchresults&listpage=1> (last visited April 3, 2019). Accordingly, the court dismisses Vick's claim against Casper for failure to prosecute. See Local Civ. R. 83.3.

In sum, the court adopts the conclusions in the M&R [D.E. 18] and DISMISSES without prejudice Vick's claims against Hill, Taylor, and Lassiter. The court DISMISSES Vick's claims against Casper for failure to prosecute. The clerk shall close the case.

SO ORDERED. This 4 day of April 2019.



JAMES C. DEVER III
United States District Judge